

Salisbury Conservation Commission
November 18, 2015
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.

Commissioner Members Present: Chairman Sheila Albertelli (SA), David Arel (DA), Jane Purinton (JKP), Jennifer Troisi (JT)

Commissioner Members Absent: Joanne Perreault

Also Present: Michelle Rowden (MR), Conservation Agent, Lori Robertson, Secretary

S. Albertelli opened the meeting at 7:10 pm under the Wetlands Protection Act and Open Meeting Law and informed the public that the meeting is being recorded.

A. MINUTES

October 21, 2015

DA motions to continue the minutes of October 21, 2015 until the December 2, 2015 meeting.

JKP seconded the motion. Vote on motion 4 – 0. **Motion Passed.**

November 4, 2015

JKP motions to accept the minutes of November 4, 2015 meeting. Seconded by **DA**. All members present voted in favor. **Motion Passed.**

B. PUBLIC HEARINGS at 7:10pm:

1. **Notice of Intent: James Crooks, 16 CCC Road Requests to be tables until the end of the public hearings.**

JKP Motions to table this until the end of public hearings

JT seconds vote on motion 4-0 Unanimous. **Motion Passes.**

2. **RDA: Joseph Warren. 63 Rabbit Rd request cont. 12/2/2015.**

JT motions to continue to the December 2, 2015 meeting at 7:10 pm.

SA seconds vote on motion. All members present voted in favor. **Motion Passes.**

3. **NOI: Sterling Adventures Inc. 123 Bridge Road Cont. 12/2/2015**

JKP Motions for this continue until the December 2, 2015 meeting at 7:10pm.

JT seconds vote. All members present voted in favor. **Motion Passed.**

4. **RDA: Diane Privitera, 34 Commonwealth Ave.** Ms. Diane Privitera of 34 Commonwealth Avenue addressed the board. I am looking to add pavers so my husband who is in the beginning stages of Alzheimer may have steady footing getting out of the car.

DA asks about discrepancy of the lot line when looking at the left side of the property from the street.

Abutter, Ken Mailloux (KM) of 36 Commonwealth Avenue stated there is no discrepancy of the line. suggests there to be a 15.5ft space to park car. **JKP** states that from the commission's notes there is more closely to 7ft which is small for a parking spot. **JKP** asked based on information given with the RDA, can the pavers do just a 7ft width? **DP** brings up she is supposed to have 12ft from when it was measured. **MR** states that there is 15ft between the two properties and that if he has 5.5ft then she cannot have 12. **KM** suggests putting stakes next to pins. **SA** asks if it is a 65ft area that would be paved. **DP** pavers would stop 30ft from street. **SA** mentions one thing proposed is a wooden walkway for him instead of the stone and gravel. **JKP** would that require packing, then gravel, then pea stone. **SA** addresses techniques some pavers can pack them but need a good base. **JKP** have you considered having a wooden walkway that would go across the back of your house? She is still not sure if that would be more expensive or not. **JKP** with winter coming snow is not the easiest to clear on pea stone without disrupting the stone itself. **DP** wooden walkway couldn't be driven on? I would only be able to park one car in the driveway. **DA** asks why the proposal only goes to 30ft deep instead of 40ft for 2 vehicles. **DP** states the price was too much for the extra 10ft. **SA** what would be an appropriate way to contain the gravel **MR** there is a proposal at the edge of the pavers but I am not sure what it is made of, but this could prevent some of the pea stone from moving around. **SA** the way it looks right now the proposal could serve 2 purposes: to provide him a solid enough surface to walk, and another parking spot for home assistance. The only way they could do it in lieu of the wooden walkway is to make sure the gravel is contained to make sure we don't impact the existing dune that continues to grow.

Outstanding matter:

Finding property stake make sure everyone is in agreement where the lines are.

SA we will arrange for a site visit and shall continue on 12/2/15.

JT motions to continue the RDA: Diane Privitera, 34 Commonwealth Ave until December 2, 2015 at 7:10pm.

JKP seconds vote to motion 4-0. All members present voted in favor. **Motion Passed.**

5. **NOI: Panther Properties Management, LLC 208 Elms St. wishes to continue 12/2/15 at due to legal ad notification error.**

DA motions to continue until December 2, 2015 meeting at 7:10 pm.

JT Seconds the vote. All members present voted in favor. **Motion Passed**

6. **NOI: Salisbury Beach Realty, LLC 4 Ocean Front**

Tom Hughes (TH) addressed the board on behalf of Salisbury Beach Realty, LLC. They will need to out clean sand around the pavilion where they are expected to perform work.

The work they are doing is maintenance on deteriorating pilings using methods that liquefy the sand to push the metal rods down so that the rods are not bent (the only way to do it under these conditions). The NOI is to continue this process of all the pylons interior to the structure and so far it seems like all of them will need to be repaired through the same means of repair and approaches that have been refined. After losing the crumbled pylon new emergency cert is required to repair the rest of the pylons. Wants to put a new fiberglass reinforce sheet pile directly in front of the lateral stability wall (holds upland side sand there) this would prevent having to demolish the concrete wall. There is a lack of a DEP number so they cannot issue anything tonight.

DA asked who is the contractor. **TH** stated Salisbury Beach Realty, LLC, management are overseeing work, SPL is a subcontractor. **DA** stated there are no plans for sea level rise? **TH** stated there is no regulation for sea level rise. This project is designed for the long haul of the structural integrity of the piles.

JKP Motions for a time to continue NOI: Salisbury Beach Realty, LLC 4 Ocean Front to December 2, 2015 at 7:10pm

SA seconds. All members present voted in favor. **Motion Passed.**

7. **NOI: James Crooks, 16 CCC Road**

JT Motions NOI: James Crooks, 16 CCC Road to be tables until the end of new business

JKP seconds vote 4-0 Unanimous. **Motion Passes.**

NOI: James Crooks, 16 CCC Road: Mr. James Crooks addressed the board. Discussed replication area and what plants would be allowed.

JKP Motions to approve the NOI: James Crooks, 16 CCC Road, if using hay to use salt hay, and planting must be of native vegetation.

JT seconds vote 4-0 Unanimous. **Motion Passes.**

C. NEW BUSINESS

1. **Emergency Certification, 4 Ocean Front-Ratified**

JKP makes a motion to ratify the Emergency Certification, 4 Ocean Front

JT Seconds vote 4-0 Unanimous. **Motion Passes.**

2. **Request for Certificates of Compliance, 11 Railroad Ave.-Cont. 12/2/2015 @7:10pm**

JT makes a motion to continue on 12/2/2015 at 7:10pm

DA Seconds vote 4-0 Unanimous. **Motion Passes.**

3. **Enforcement Order 95R/107 Lafayette RD.**

SA States that the New enforcement order that need to be ratified, there is already an existing enforcement order for disturbed wetland and doing work in wetlands without order of condition. Now have a new enforcement order that needs to be ratified to address a large scale filling of wetland and buffer zone without and order of conditions or

any other permit from the town conservation commission would have ordered. Calling for immediate removal of the fill and the commission needs to put forth a deadline. Asking for complete restoration of all the disturbed areas including grading vegetation, winter stabilization measures may be required since it is mid-November. Suggested jute netting or hay. Provide a wetland delineation of the entire site again with the commission enforcing a deadline of two weeks. DEP is ready to assist if there is no compliance and will supersede from that point forward if these requirements are not met.

JKP mentions distress over how this grossly contradicts the regulations in this area and that this site needs to be cleaned in 2 weeks. **SA** asked where the materials came from, on site, or off site? Bill Trainor responded with the material being from offsite from a torn down building in Methuen. **SA** mentions how in the past Mr. Trainor brought up toxicity of the bricks and yet still used similar types of material and that she is in agreement with **JKP** and that the site needs to be cleaned within 2 weeks. **DA** has a concern about the site that the material came from. What did that building do in its existence, what did it contain and if it were certified asbestos free? Mr. Trainor responded with I don't know. **DA** so you took material from a building from another area and brought it to this site knowing that there is an order of conditions to clean up the site, and you bring material in from another building that you have no certification, no asbestos or any other dangerous materials? Mr. Trainor states that he did perform an inspection but he didn't have any certification. He relied on two things: that it's a grandfathered site which everyone seems to disagree with, and that he was to run it through the crusher and dispose of everything but the concrete and rip rap. **DA** states he is not sure of what legal bounds Mr. Trainor has stepped over here, by taking a building that was just disassembled from a city/ town in this state and take it to another with no documentation by a certified agency or firm to say that it is clean fill, and then to put it into this place that is under such scrutiny right now, your motives are now in question. Questions why the Mr. Trainor did not take any precaution to determine if the fill from another area was in fact clean. **JT** mentions that she believes the 2 weeks are generous due to some rain forecasted and what will enter the water but it needs to happen soon.

Commission Requirements:

- I. Two Week Deadline for immediate removal of all fill by that deadline (12/2/15)
- II. Complete restoration of all area including grading and vegetation. Winter Stabilization methods may be required (jute netting, salt hay)
- III. A Wetland delineation of the entire site

4. **Submission Deadlines 2016**

JKP motions to approve the Submission Deadlines of 2016

JT seconds vote 4-0 Unanimous. **Motion Passes.**

D. Enforcement Orders

- 1) **2 Broadway-no action**

- 2) **44 Lafayette Rd.-no action**
- 3) **100 Elm St.-no action**
- 4) **28 CCC Rd.-no action**
- 5) **20 Forest Rd.-no action**
- 6) **126 N. End Boulevard-no action**
- 7) **7 Elmwood St.-no action**
- 8) **13 Commonwealth Ave.-no action**
- 9) **95R/107 Lafayette Rd.-no action**
- 10) **457 N. End Boulevard-no action**
- 11) **73 Mudnock Rd.-no action**

E. Commissioner Comments

- i. **JKP** Meeting Thursday night Resiliency Project will be held at the Salisbury Library @6:30pm
- ii. **MP, JKP, DA** Attended Great Marsh Symposium

JKP Motions to Adjourn at 8:50 pm.

SA seconds vote 4-0 Unanimous. **Motion Passes.**